

## REMARKS

Receipt of the Office Action of March 24, 2005 is gratefully acknowledged.

In view of the final rejections of claims 1 - 7, this application has been refiled as an RCE application. This amendment to the claims is being submitted for further consideration in the RCE application.

The amendment to claim 1 and the introduction of new claim 14 have been submitted to better define the present invention over the references of record. Two things have been added to the claims, namely, that the holes are punched to a given diameter, depth and relative spacing by a mechanized aerator unit (claim 1 as now amended), and that the soil condition is taken into consideration (new claim 14). Kinkead et al does not use a mechanized aerator unit which yield holes of a given depth, diameter and spacing. The element 312 merely breaks up the soil randomly. There is nothing uniform about the results achieved with the element 312. Kinkead et al does not teach considering the soil and concluding what the depth, diameter or spacing of the holes should be. In fact none of the references of record teach this feature of the invention.

Claims 1- 7 and 14 are believed to patentably distinguish over the art of record.

Finally, the examiner is referred to the paper filed January 6, 2005 which addressed the deletion of the identified inventor, Mr. Wise, as he did not contribute to this aspect of the invention. It is respectfully requested that confirmation of the deletion be acknowledged.

U.S. Pat. Appl. 10/644,017

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Respectfully submitted,  
**BACON & THOMAS, PLLC**

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written over the printed name.

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